

Proposed Charter of the Lithium Battery Air Safety Advisory Committee
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration

1. **Committee's Official Designation:** Lithium Battery Air Safety Advisory Committee
2. **Authority:** The Committee is established pursuant to section 333(d) of the FAA Reauthorization Act of 2018 (Public Law 115-254), and in accordance with the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App. 2).
3. **Objectives and Scope of Activities:** The purpose of this Committee is to provide advice and recommendations to improve the safe air transportation of lithium ion and lithium metal cells and batteries, and the effectiveness and the economic and social impacts of the regulations of such transportation. The Committee shall facilitate communication between the lithium battery manufacturing industry, air carriers, shippers, and the federal government. The Committee shall provide the Secretary of Transportation a forum to discuss the activities of the U.S. Department of Transportation (DOT), provide information on new lithium battery technologies, and receive stakeholder input relating to lithium battery transportation safety, including input that helps the government develop positions to be advocated in international forums.
4. **Description of Duties:** The Committee shall:
 - A. Facilitate communication between manufacturers of lithium-ion and lithium metal cells and batteries, manufacturers of products incorporating both large and small lithium-ion and lithium metal batteries, air carriers, and the federal government regarding the safe air transportation of lithium-ion and lithium metal cells and batteries, and the effectiveness and economic and social impacts of the regulation of such transportation.
 - B. Provide the Secretary, Federal Aviation Administration (FAA), and Pipeline and Hazardous Materials Safety Administration (PHMSA) with timely information about new lithium-ion and lithium metal battery technology, and transportation safety practices and methodologies.
 - C. Provide a forum for the Secretary to provide information on and to discuss the activities of the Department relating to lithium-ion and lithium metal battery transportation safety, the policies underlying the activities, and positions to be advocated in international forums.
 - D. Provide a forum for the Secretary to provide information and receive advice on activities carried out throughout the world to communicate and enforce relevant United States regulations and the International Civil Aviation Organization (ICAO) Technical Instructions, and the effectiveness of such activities.
 - E. Provide advice and recommendations to the Secretary with respect to lithium-ion and lithium metal battery air transportation safety, including how best to implement activities to increase awareness of relevant requirements and their importance to travelers and shippers.

- F. Review methods to decrease the risk posed by air shipment of undeclared hazardous materials and efforts to educate those who prepare and offer hazardous materials for shipment via air transport.

5. **Agency or Official to Whom the Committee Reports:** The Committee reports to the Secretary of Transportation through the PHMSA Administrator.
6. **Support:** PHMSA will provide support as the Committee's sponsor.
7. **Estimated Annual Operating Costs and Staff Years:** The estimated annual operating cost is approximately \$150,000, which includes the equivalent of 0.5 full-time equivalent (FTE) employees for support.
8. **Designated Federal Officer:** The Committee's Designated Federal Officer (DFO) must be a full-time or permanent part-time employee appointed in accordance with agency procedures. PHMSA's International Program Coordinator, or that individual's designee, will serve as the DFO. An alternate DFO may be appointed. The DFO (or his or her designee) will approve or call all Committee and subcommittee meetings; prepare and approve all meeting agendas; attend all Committee and subcommittee meetings; adjourn any meeting when the DFO determines adjournment to be in the public interest; and chair meetings when directed to do so by the Secretary.
9. **Estimated Number and Frequency of Meetings:** The Committee will meet at least twice a year at the direction of the Secretary. The Secretary shall convene a meeting of the Committee in connection with and in advance of each meeting of the ICAO, or any of its panels or working groups, addressing the safety of air transportation of lithium-ion and lithium metal batteries to brief Committee members on positions to be taken by the United States at such meetings and provide Committee members a meaningful opportunity to comment.
10. **Duration:** In accordance with Section 333(d)(6) of the FAA Reauthorization Act of 2018 (P.L. 115-254), the Committee will terminate six years from its establishment on May 9, 2025.
11. **Termination:** This charter terminates two years after the effective date, unless renewed in accordance with FACA and other applicable requirements.
12. **Membership and Designation:** The Committee will consist of no more than 25 members appointed by the PHMSA Administrator, including:
 - A. Representatives from:
 - i. large volume manufacturers of lithium-ion and lithium metal cells and batteries;
 - ii. domestic manufacturers of lithium-ion and lithium metal batteries or battery packs;
 - iii. manufacturers of consumer products powered by lithium-ion and lithium metal batteries;
 - iv. manufacturers of vehicles powered by lithium-ion and lithium metal batteries;

- v. marketers of products powered by lithium-ion and lithium metal batteries;
 - vi. cargo and passenger air service providers, including pilots and employees, based in the United States;
 - vii. shippers of lithium-ion and lithium metal batteries for air transportation;
 - viii. manufacturers of battery-powered medical devices or batteries used in medical devices; and
 - ix. employees of the Department, including employees of the FAA and PHMSA.
- B. Representatives of such other government departments and agencies as the PHMSA Administrator determines appropriate.
- C. Other individuals the PHMSA Administrator determines are appropriate to comply with federal law.

All members serve at the pleasure of the PHMSA Administrator and may continue to serve until their replacement has been appointed. The PHMSA Administrator will ensure the membership is fairly balanced regarding points of view of the affected interests. Each member of the Committee will be provided the opportunity to submit an independent statement of view with the report submitted to the Secretary and to Congress.

The member acting as the Committee Chairperson is the presiding officer of the advisory committee who guides all efforts in completing assigned tasks. The designation of the Committee Chairperson is subject to change at the discretion of the PHMSA Administrator. To promote inclusion and innovation, a rotation of different members may be utilized during the two-year period.

A member chosen solely for his or her individual expertise must be appointed as a Special Government Employee. Other members will serve as Representatives or Regular Government Employees.

Members shall not reference or otherwise utilize their membership on the Committee in connection with public statements made in their personal capacities without a disclaimer that the views expressed are their own and do not represent the views of the Committee, PHMSA, or DOT.

13. **Subcommittees:** The PHMSA Administrator has the authority to create subcommittees. Subcommittees must report back to the parent committee and must not provide advice or work products directly to PHMSA or the Secretary.

14. **Recordkeeping:** Records of the Committee, formally and informally established subcommittees, or other subgroups of the Committee will be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedules. These records will be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552.

15. **Filing Date:** The effective date of this charter renewal is May 9, 2023 and will expire two years from that date on May 9, 2025, unless renewed.